

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-155-AD]

Airworthiness Directives; Boeing Model 737-200 and -200C Airplanes Equipped With dB Partners Hush Kits Installed in Accordance With Supplemental Type Certificate (STC) SA5730NM

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Boeing Model 737-200 and -200C airplanes, that currently requires installation of fail-safe straps onto the engine inlet attach ring of the nose cowl. This action would require repetitive inspections to detect cracking of the attach ring of the nose cowl, and replacement of cracked attach rings. Replacement with a certain attach ring, if accomplished, would terminate the requirement to inspect the attach ring repetitively. This proposal is prompted by the development of an improved attach ring. The actions specified by the proposed AD are intended to prevent cracking of the attach ring of the nose cowl, which could result in separation of the nose cowl from the engine following failure of a turbine blade.

DATES: Comments must be received by December 22, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-155-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from The Nordam Group, 624 East 4th Street, Tulsa, Oklahoma 74120. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Thomas Rodriguez, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington; telephone (206) 227-2779; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-155-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-155-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On April 5, 1995, the FAA issued AD 95-08-08, amendment 39-9197 (60 FR 19157, April 17, 1995), applicable to certain Boeing 737-200 and -200C airplanes, to require installation of fail-safe straps onto the attach ring of the nose cowl. The part number of the subject attach ring on the affected airplanes is part number (P/N) 65ND-54301-1. That AD action was prompted by reports of failure of reworked turbine blades, and subsequent failure of the engine inlet attach ring. The requirements of that AD are intended to prevent separation of the nose cowl from the engine following turbine blade failure.

In the preamble to AD 95-08-08, the FAA indicated that the actions required by that AD were considered "interim action" and that further rulemaking action was being considered. The FAA now has determined that further rulemaking action is indeed necessary, and this proposed AD follows from that determination.

Explanation of New Data

Nordam, the manufacturer of these nose cowls, has recently developed an attach ring having P/N 65ND-54301-5, which is made of forging material that is stronger and more impact resistant than the attach ring having P/N 65ND-54301-1. Installation of this improved attach ring eliminates the need for the installation of fail-safe straps (as is required by AD 95-08-08).

While the FAA considers that the improved attached ring will positively address the unsafe condition addressed by the existing AD, the FAA has a high degree of assurance that cracking of the attach ring having P/N 65ND-54301-1 will be detected prior to the nose cowl separating from the engine, provided visual inspections of the attach ring are performed following each incident of turbine blade failure. Operators using repetitive detailed visual inspection techniques should be able to detect cracking easily on that attach ring, which is easily accessible.

Explanation of Service Information

The FAA has reviewed and approved Nordam Service Bulletin 71-04, Revision 1, dated June 16, 1995, which describes procedures for replacing the attach ring, P/N 65ND-54301-1, of the

nose cowl with the improved attach ring, P/N 65ND-54301-5.

The FAA also has reviewed and approved Nordam Service Bulletin 71-03, Revision 1, dated June 16, 1995, which describes procedures for installing fail-safe straps onto the attach ring, part number (P/N) 65ND-54301-1, of the nose cowl. The originally issued version of this service bulletin was referenced in AD 95-08-08 as the appropriate source of service information. Revision 1 is essentially identical to the originally issued version, but includes references to optional part-numbered items.

Explanation of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 95-08-08.

Paragraph (a) of the proposal would continue to require installation of eight fail-safe straps onto the attach ring, P/N 65ND-54301-1, of the nose cowl in accordance with Nordam Service Bulletin SB 71-03. This is the same requirement that was contained in AD 95-08-08. Revision 1 of the service bulletin is included as an additional source of appropriate service information.

Paragraph (b) of the proposal would require operators to perform a detailed visual inspection to detect cracking of the attach ring of the nose cowl, prior to further flight after each incident of turbine blade failure. If any cracked attached ring is detected, it would be required to be replaced with an attach ring having either P/N 65ND-54301-1 or 65ND-54301-5. Should an operator elect to replace a cracked attached ring with an attach ring having P/N 65ND-54301-1, that replacement would be required to be accomplished in accordance with Supplemental Type Certification (STC) SA5730NM. Should an operator elect to replace the cracked attached ring with an attach ring having P/N 65ND-54301-5, that replacement would be required to be accomplished in accordance with Nordam Service Bulletin SB 71-03.

Paragraph (c) of the proposal provides operators the opportunity to terminate the repetitive inspections by installing an attach ring having P/N 65ND-54301-5. For the reason discussed previously, the FAA is not proposing to mandate this installation, but provides it an optional terminating action for the proposed inspection requirements of the AD.

Economic Impact

There are approximately 46 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1 airplane of U.S. registry would be affected by this proposed AD.

The replacement action that is currently required by AD 95-08-08 takes approximately 8 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will be provided at no cost to the operator. Based on these figures, the cost impact of the currently required actions on the sole U.S. operator is estimated to be \$480 per airplane.

The inspection that is proposed in this AD action would take approximately 10 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed requirements of this AD on the sole U.S. operator is estimated to be \$600 per airplane per inspection cycle.

The cost impact figures discussed above are based on assumptions that no affected operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-9197 (60 FR 19157, April 17, 1995), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 95-NM-155-AD. Supersedes AD 95-08-08, Amendment 39-9197.

Applicability: Model 737-200 and -200C airplanes equipped with dB Partners Hush Kit having attach ring, part number 65ND-54301-1, installed in accordance with Supplemental Type Certificate (STC) SA5730NM, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of the nose cowl from the engine following turbine blade failure, accomplish the following:

(a) Within 30 days after May 2, 1995 (the effective date of AD 95-08-08, amendment 39-9197), install fail-safe straps onto the attach ring, part number (P/N) 65ND-54301-1, of the nose cowl in accordance with Nordam Service Bulletin SB 71-03, dated March 17, 1995, or Revision 1, dated June 16, 1995.

(b) As of the effective date of this AD: Prior to further flight following each incident of turbine blade failure, perform a detailed visual inspection to detect cracking of the

attach ring of the nose cowl. Fail-safe straps must be removed to perform this inspection.

(1) If no cracking is detected, prior to further flight, reinstall the fail-safe straps in accordance with Nordam Service Bulletin 71-03, dated March 17, 1995, or Revision 1 dated June 16, 1995.

(2) If any cracking is detected, prior to further flight, accomplish the requirements of either paragraph (b)(2)(i) or (b)(2)(ii) of this AD.

(i) Replace the cracked attach ring with an attach ring having P/N 65ND-54301-1 in accordance with STC SA5730NM, and reinstall the fail-safe strap in accordance with Nordam Service Bulletin SB 71-03, dated March 17, 1995, or Revision 1, dated June 16, 1995. Repeat the visual inspection of the attach ring prior to further flight following each incident of turbine blade failure. Or

(ii) Replace the cracked attach ring with an attach ring having P/N 65ND-54301-5 in accordance with Nordam Service Bulletin 71-04, Revision 1, dated June 16, 1995. After this replacement is accomplished, the inspections required by this paragraph may be terminated.

(c) Installation of an attach ring having P/N 65ND-54301-5 constitutes terminating action for the repetitive inspections required by paragraph (b) of this AD.

(d) As of May 2, 1995 (the effective date of AD 95-08-08), fail-safe straps must be installed onto the attach ring, P/N 65ND-54301-1, of the nose cowl in accordance with Nordam Service Bulletin SB 71-03, dated March 17, 1995, or Revision 1, dated June 16, 1995, prior to installation of STC SA5730NM on any airplane.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on November 16, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-28546 Filed 11-21-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 95-ASW-28]

Proposed Revision of Class E Airspace; Hobbs, NM

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Class E airspace extending upward from 700 feet above ground level (AGL) of Hobbs, NM. A new Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway (RWY) 30 at Lea County Airport has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the GPS SIAP to RWY 30 at Lea County Airport, Hobbs, NM.

DATES: Comments must be received on or before December 20, 1995.

ADDRESSES: Send comments on the proposal in triplicate to Manger, System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 95-ASW-28, Fort Worth, TX 76193-0530. The official docket may be examined in the Office of the Assistant Chief Counsel Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX, between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours of the System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, System Management Branch, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0530; telephone: (817) 222-5593.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, view, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be

submitted in triplicate to the address listed under the caption **ADDRESSES**. Commenter wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: "Comments to Airspace Docket No. 95-ASW-28." The postcard will be date and time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of Assistant Chief Counsel, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0530.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A that describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace, controlled airspace extending upward from 700 feet AGL, at Lea County Airport, Hobbs, NM. A new GPS SIAP to RWY 30 has made this proposal to amend the controlled airspace necessary. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the GPS SIAP to RWY 30 Hobbs, NM.

The coordinates for this airspace docket are based on North American Datum 83. Designated Class E airspace areas extending upward from 700 feet or more above ground level are published in Paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation